IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF JANUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE SRI JUSTICE BILAL NAZKI

and
THE HON'BLE SRI JUSTICE D.APPA RAO

–

WRIT PETITION No.1619 of 2006

Between:

Supreme Recording Company Private Ltd.,

5-1-753, Supreme House, Bank Street, Koti,

Hyderabad represented by its Mg.Director

Sri Murali Harwani.

..... PETITIONER

AND

1 The Commercial Tax Officer, Sultanbazar Circle,

Hyderabad, and 2 others.

.....RESPONDENTS

ORDER: **(Per Hon'ble Sri Justice Bilal Nazki,)**

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending an appeal, application for stay was rejected by the competent authority. We have gone through the record. We feel that the interest of justice would have been met, if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of six weeks. For six weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within six weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. However, it is made clear that, if the petitioner has already deposited any amount, the same shall be given credit to, while calculating 50% of the disputed tax liability.

Writ Petition is disposed of accordingly. No costs.

(Bilal Nazki, J)

30th January, 2006

(D.Appa Rao, J)

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